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Permanent Forum on Indigenous Issues
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Human rights: implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Report of the international expert group meeting on the role of the Permanent Forum on Indigenous Issues in the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples

Summary

The present report provides an overview of the issues discussed at the international expert group meeting on the role of the Permanent Forum on Indigenous Issues in the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples, held at United Nations Headquarters from 14 to 16 January 2009.

Following the discussions, the meeting recommended, inter alia, that the Permanent Forum decide to invite participants in the sessions of the Forum, States in particular, indigenous peoples and United Nations agencies to submit written reports under article 42 of the Declaration providing substantive information on the implementation of the Declaration at the national and local levels; and to appoint a task team consisting of eight members of the Permanent Forum to examine the reports and communicate with the submitting parties as appropriate. The meeting also recommended that the Permanent Forum encourage national human rights institutions and indigenous peoples' institutions to promote respect for and full implementation of the Declaration at the national and local levels.

* E/C.19/2009/1.

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I. Introduction

1. The General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (resolution 61/295, annex) on 13 September 2007. Article 42 of the Declaration signals a new mandate for the Permanent Forum on Indigenous Issues.

2. The responsibilities conferred by article 42 constitute new functions for the Permanent Forum under its overall human rights mandate, established by resolution 2000/22 of the Economic and Social Council. At its seventh session, the Permanent Forum recommended that the Council authorize the holding of an international expert group meeting to discuss in greater detail how the Permanent Forum should address its new mandate under article 42 of the Declaration. At its substantive session of 2008, the Council approved the Forum's recommendation by its decision 2008/249.

II. Organization of work

A. Dates, venue and programme of work

3. The meeting was held at United Nations Headquarters in New York from 14 to 16 January 2009.

4. The programme of work is reproduced in annex I to the present report.

B. Attendance

5. The meeting was attended by experts from the seven indigenous sociocultural regions; members of the Permanent Forum; the Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples; observers from departments, agencies, funds and programmes of the United Nations system; observers from other intergovernmental organizations, indigenous peoples' organizations and bodies and non-governmental organizations; and observers representing Member States.

6. The list of participants is contained in annex II to the present report.

C. Documentation

7. The participants had before them a draft agenda and programme of work, a background paper and documents prepared by participating experts. In addition, a number of documents were submitted to the meeting by observers. A list of the meeting documents appears in annex III to the present report. All listed documents are available on the website of the Permanent Forum at www.un.org/esa/socdev/unpfii/en/EGM_A42.html.

D. Opening of the meeting

8. At the opening of the meeting, the Acting Director of the Division for Social Policy and Development of the Department of Economic and Social Affairs made a statement.

E. Election of officers

9. Victoria Tauli-Corpuz was elected Chairperson of the meeting and Les Malezer was elected Rapporteur.

F. Adoption of the recommendations

10. On 16 January 2009, the meeting adopted by consensus the conclusions and recommendations contained in section III below.

G. Closure of the meeting

11. The meeting was closed after the conclusions and recommendations were adopted at the final session, held on 16 January 2009.

III. Narrative, conclusions and recommendations

A. Introductory remarks

12. The Chairperson of the Permanent Forum on Indigenous Issues introduced the subject of the meeting. She pointed out that the adoption of the Declaration marked a major victory for the world's indigenous peoples and an extraordinary achievement in international standard-setting and presented a key opportunity to motivate States to comply with human rights standards, including those set forth in the Declaration.

13. Article 42 of the Declaration signals a new mandate for the Permanent Forum, establishing that:

> The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

14. Since its establishment in 2002, the Permanent Forum has integrated human rights into its overall work and has been developing its work in a number of ways.

15. The Permanent Forum has created an open forum to hear statements about the situation of the human rights of indigenous peoples, including a forum for dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and other human rights rapporteurs. On the basis of the information and reports provided by indigenous peoples, United Nations agencies and States, and the ensuing debates during its sessions, the Permanent Forum has developed a substantial number of recommendations addressing the human rights of indigenous peoples. On the basis of the Forum's recommendations, the secretariat of the Permanent Forum in cooperation with the Inter-Agency Support Group on Indigenous Issues promoted the operationalization of the human rights-based approach to development regarding indigenous peoples through the adoption of the United Nations Development Group guidelines on indigenous peoples' issues.

16. During its sixth session, in 2007, the Permanent Forum appointed two of its members, Ida Nicolaisen and Wilton Littlechild, to conduct a study on the structures, procedures and mechanisms that presently exist and that might be established to effectively address the human rights situation of indigenous peoples and to arrange for indigenous representation and inclusion in such structures, procedures and mechanisms. In their report (E/C.19/2008/2), the two members called upon the Permanent Forum to ensure that the Declaration is integrated into its recommendations on the six substantive mandated areas of the Permanent Forum, as well as its work under the special theme for each session and its ongoing themes and priorities. They also recommended that the Permanent Forum consider the creation of a procedure within the Permanent Forum that would promote a constructive dialogue with States on the challenges, achievements and future action that indigenous issues require in each country under the Declaration. Such dialogue would take place periodically and enlist the participation of indigenous organizations as well as the United Nations system. It would create an enabling environment of cooperation at national and international levels, aiming at practical results on the ground, including through the international development agenda.

B. Application of the Declaration

17. The experts noted that some United Nations agencies and the Inter-Agency Support Group had referred to the Declaration as a non-binding instrument, which they considered to be misleading. While it was not binding in the nature of, or to the degree of, a treaty, it was binding in character and States could become bound under international law in other ways besides treaty ratification. The Declaration was a human rights standard that did not create new or special rights but elaborated upon fundamental human rights of universal application and set those rights in the cultural, economic, political and social context of the indigenous peoples.

18. Participants noted that there was an emerging consensus that there was no need to reconcile the Declaration with ILO Convention No. 169. The two instruments had been negotiated at different times by different bodies and therefore diverged in a number of respects. They represented two different parts of the same body of standards and should be used as best as possible to protect, promote and fulfil the human rights of indigenous peoples.

19. The General Assembly had adopted article 42 of the Declaration, which called upon the Permanent Forum to promote respect for and full application of the Declaration and to follow up its effectiveness. The protracted negotiations on the content of the Declaration, connecting the perceptions of States and indigenous peoples, and the overwhelming support for the Declaration in the General Assembly had built substantial expectations that the Declaration would be implemented. States, as such, had expressed that view during the negotiations.

20. The experts agreed that a new mandate existed for the United Nations system, including the Permanent Forum, to encourage and assess measures to uphold the Declaration and that discourse with States on the application of human rights as expressed in the Declaration was required. One State expressed the view that the Declaration was non-binding and discussion ensued on the aspects of indigenous peoples' rights which were binding in character. It was recommended that United

Nations agencies and States be reminded of the binding characteristics of human rights as enshrined in the Declaration.

21. Participants agreed that it was important that the Permanent Forum integrate the Declaration into its recommendations on the six substantive mandated areas of its work as well as in its work under the special theme for each session and its ongoing themes and priorities. In doing so, the Permanent Forum should consider not only the articles of the Declaration but also the preambular paragraphs, which gave context to the instrument and were often overlooked. There was also the view that the Permanent Forum should integrate the Declaration into its future research projects and publications including country-specific studies, implementation guides and compilations of good practices.

22. In cases where negotiations with the State did not succeed, the Declaration could be a major factor in litigation for rights or in complaints brought before the human rights treaty bodies. The Declaration could also help to shift the dynamics of disputes so that the burden of proof was not always placed on indigenous peoples, but rather on States. Participants referred to examples where the Declaration had already been effectively used in dialogue between indigenous peoples and the State.

23. Experts proposed that a priority task should be for the Permanent Forum to elaborate and adopt interpretive statements or general comments on the most important provisions of the Declaration. That task could be conducted on the basis of studies and papers that would be prepared by members of the Permanent Forum with the assistance of relevant experts. The result would have to be debated and approved by the Permanent Forum. It was proposed that the Permanent Forum make it a goal to adopt a general comment on article 42 at the 2009 session. The Permanent Forum might also give attention to article 3, which would be of use to other forums, such as courts that were adjudicating the rights of indigenous peoples.

C. Follow-up on the effectiveness of the Declaration

24. Experts agreed on the need to supervise the implementation and effectiveness of the Declaration. There was a proposal for a body similar to the human rights treaty bodies, where States could present reports on their actions with regard to the human rights of indigenous peoples, and where indigenous peoples could appeal for the defence of their rights on the basis of the Declaration.

25. Participants underscored the importance of the jurisprudence of the existing human rights treaty bodies and special procedures in addressing the human rights of indigenous peoples, but also expressed concerns regarding instances where the Declaration was not adequately utilized or indigenous issues were not sufficiently addressed, nor recommendations implemented. That had reportedly been the case with regard to the initial efforts of the Universal Periodic Review, which were characterized as lacking attention to the human rights and interest of indigenous peoples. Participants recommended that the Declaration be used as a framework for review and compliance in the Universal Periodic Review.

26. The suggestion was made that the Permanent Forum arrange its programme of work to provide dialogue with States in relation to the implementation of the Declaration. That dialogue should be based on good practices regarding the application of the Declaration. Creative ways could be developed for the substantive

preparation of dialogues, such as the dispatch to States of a questionnaire regarding implementation prepared by the Permanent Forum. The questionnaire should also be addressed to indigenous peoples' associations and disseminated to human rights organizations preferably by electronic means, including the website of the Permanent Forum. The questionnaire could be completed in cooperation between the Government and indigenous peoples.

27. The experts proposed that States be encouraged to report to the Permanent Forum on how they are implementing the Declaration. To that end, the Permanent Forum could create a task team or committee to engage in constructive dialogue with States on challenges, achievements and future action. The dialogue could include information provided by both Governments and indigenous peoples' organizations regarding their national policies and practices relating to or affecting indigenous peoples.

D. Capacity development

28. Successful implementation of the Declaration ultimately depends on the extent to which indigenous peoples themselves understand and utilize the human rights regime, at the local as well as the national levels. States must meet their obligations to implement the Declaration, and indigenous peoples should be able to articulate and defend their rights and interests in accordance with universally accepted standards on human rights.

29. Capacity-building strategies are extremely important. Simplifying the text and developing direct translations of the Declaration into various indigenous languages will not in itself be sufficient without developing other capacity-building measures within both the indigenous and non-indigenous communities. The Declaration could provide the necessary framework for bringing together indigenous peoples' organizations at local, national and regional levels to organize for human rights outcomes. Strategies could consider the revitalization and strengthening of indigenous peoples' traditional systems and organizations; the effective participation of indigenous women and youth; the lobbying and other leadership capacities of indigenous peoples; the formation of alliances and networks; and legal reviews and research into indigenous peoples' rights and interests.

30. Any form of education on the Declaration has to address both indigenous and non-indigenous peoples, within a framework of respect for diversity and gender issues. Indigenous women have an important role to play in awareness-raising and capacity development.

31. To promote human rights education as a tool for capacity-building, dialogue and effective, direct participation by indigenous peoples is necessary, even dialogue on whether such human rights education is needed. Without the inclusion of distinct indigenous perspectives in training and capacity-building programmes, it will be difficult for indigenous peoples to achieve equity and mutual understanding with others. In particular the valuable contributions of indigenous peoples' organizations that are currently carrying out capacity-building and training programmes in indigenous communities, as well as for United Nations agencies, States and other international bodies, was noted. The Permanent Forum could dedicate a section of its website to post the educational and training materials developed by indigenous peoples, which could then be used as a resource for other indigenous peoples,

States, United Nations agencies and non-governmental organizations to build capacity for understanding and implementing the Declaration.

32. Training programmes with a specialized focus on indigenous peoples, such as those undertaken by indigenous peoples' organizations, United Nations agencies and human rights programmes in universities, already exist. These programmes should be considered in the development of capacity-building strategies and the strengthening of fellowship programmes. The secretariat of the Permanent Forum should compile a list of training programmes that already exist and whose organizers could be possible training partners.

33. According to one expert, human rights training needs to happen at ground level, among indigenous communities, with a strong emphasis on human rights education.

34. Training programmes for national parliamentarians and staff members of national institutions such as human rights commissions and other agencies could help in making the Declaration part of national policies. The Permanent Forum could consider organizing seminars and capacity-building training for permanent missions to the United Nations to help promote the importance of the Declaration among States.

35. An expert recommended that the Declaration be transformed into audiovisual documents in view of the high rates of illiteracy among indigenous peoples. Virtual resources and new technologies could also be used in training programmes as well as for guidelines and education kits on the rights of indigenous peoples. Visual documents required time and financial resources, but could be accomplished with political will.

36. One expert recommended the use of new technologies to strengthen networks and disseminate the Declaration among indigenous communities. In that regard, a Chilean non-governmental research institution organized a virtual seminar as a way to provide input to the expert group meeting. This experiment was very successful, with 264 people representing 76 indigenous peoples participating from 21 countries (see report at www.un.org/esa/socdev/unpfii/documents/EGM_Art_42_CEPDI.doc).

37. Other awareness-raising efforts could include a campaign, coordinated by the secretariat of the Permanent Forum in collaboration with United Nations bodies and specialized agencies, particularly the Department of Public Information and its field offices, together with non-government organizations and Member States.

38. There is a need to educate United Nations staff members working at international, regional and national levels. Such training will be done extensively through inter-agency efforts to roll out the United Nations Development Group guidelines on indigenous issues. One good example is the International Fund for Agricultural Development (IFAD), a United Nations agency that mobilizes indigenous people in Latin American countries and develops important partnerships and networks in the region with indigenous organizations. Permanent Forum members could work directly with the United Nations system in Ecuador to explain the Declaration and its implications. Moreover, the Permanent Forum could consider engaging all United Nations country teams through the use of a questionnaire to assess their work involving indigenous peoples and identifying gaps and challenges.

39. Experts suggested that the secretariat and the United Nations system could provide financial resources to increase the prominence of the Declaration.

40. In many instances, extractive industries and financial institutions have direct impact on indigenous people and it is therefore important that training on the Declaration be provided to the private sector.

41. The Permanent Forum could host annual meetings in each of the seven regions of indigenous peoples to monitor the application of the Declaration, in accordance with the Programme of Action for the Second International Decade of the World's Indigenous People. Consistent with articles 39 and 41 of the Declaration, the United Nations Voluntary Fund for Indigenous Populations should be authorized to fund such meetings and States should be encouraged to contribute to the Voluntary Fund to build the capacity of indigenous peoples to enjoy their human rights.

E. Promotion at State level

42. The experts reiterated that States have primary responsibility for the implementation of the Declaration.

43. In considering article 42, articles 39 and 41 must also be considered. Article 39 addresses the right to access to technical and financial cooperation from States, while article 41 refers to technical and financial cooperation from the United Nations and other intergovernmental organizations.

44. Bolivia was proposed as a good example of the Declaration being made national law. On 25 January 2009, a referendum would be held to adopt a new Constitution, which would incorporate rights and principles from the Declaration.

45. In federated States, a number of provincial legislatures have also supported the Declaration. For example, the North West Territories in Canada passed legislation supporting the Declaration. Similarly, the governments of Hawaii, Arizona and Maine in the United States of America have enacted legislation.

46. Implementing the Declaration at the State level involves economic implications and political will, particularly in States that recognize their historical injustices towards indigenous peoples. Hence, the need to disseminate and inform indigenous communities of the Declaration is an important development and requires coordination between States and United Nations agencies.

47. The importance of continuing to engage with States that abstained or voted against the Declaration was emphasized. It was suggested that States that supported the Declaration host a meeting with States that did not.

48. The participants referred to the important function of the United Nations High Commissioner for Human Rights and noted the resources available through the Office of the High Commissioner to support and coordinate the human rights work of the special mechanisms, including in the preparation of reports for the Universal Periodic Review. The application of the Declaration and the status of indigenous peoples should be one of the focal points for the Office when dealing with State issues.

49. National human rights institutions, especially where they comply with the Paris Principles, are key structures for the promotion and protection of human rights. The Permanent Forum could consider drafting strategies for national human

rights institutions to be involved in the application of the Declaration. The Permanent Forum could look at policies country by country and region by region. Special efforts should be made to educate members of the judiciary on the Declaration, as they may be responsible for adjudicating the rights of indigenous peoples. Further, specialized United Nations agencies could also consider working with the Permanent Forum in drafting strategies for national human rights institutions to incorporate the Declaration into their work.

50. Given the increase in natural disasters and conflicts, it is also important to remind States to incorporate the Declaration into any emergency humanitarian response plan, as indigenous peoples are among the most vulnerable in situations of humanitarian crisis.

51. The United Nations system should continue its work on the treaties between States and indigenous peoples. Participants suggested that a seminar or conference on this subject be undertaken, to be hosted by a tribal nation or assembly in North America.

52. The Permanent Forum could facilitate implementation of the Declaration at the national level where requested by States, for example, by undertaking joint missions with United Nations agencies.

F. Cooperation within the United Nations system

53. Participants discussed how, in working for the implementation of the Declaration, United Nations agencies and bodies could coordinate their work and ensure maximum complementarity of efforts.

54. The three United Nations mechanisms with specific mandates to address indigenous peoples are the Permanent Forum, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the Expert Mechanism on the Rights of Indigenous Peoples. It was agreed that coordination and collaboration among them was essential.

55. The Special Rapporteur, in a written statement, described the different roles of the Special Rapporteur and the Permanent Forum, observing that their mandates represented distinct parts of a holistic system working together to achieve the effective implementation of the Declaration in accordance with article 42. He stressed the monitoring aspect that constitutes the thrust of his mandate and his commitment to ensuring complementarity with the Permanent Forum and the Expert Mechanism.

56. The Chairperson of the Expert Mechanism emphasized that there were many ways that the three entities could coordinate their efforts. Cooperation could include participation in one another's events, joint research or providing inputs to one another's research. It was also agreed that there was a need for the three mechanisms to meet on an annual basis. A first meeting would be held in Madrid in February 2009. Finally, it was noted that financial constraints would have to be overcome to ensure regular meetings. The Chairperson of the Expert Mechanism informed the meeting that the Expert Mechanism had decided to include a separate agenda item at its next session entitled "United Nations Declaration on the Rights of Indigenous Peoples" with a view to discussing possible procedures and mechanisms for application of the Declaration at the regional and national levels.

57. The Permanent Forum should maintain ongoing communication with the human rights treaty bodies on the application of the Declaration, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child. Recommendations must focus on the obligation of States to comply with the provisions of the Declaration whenever indigenous rights are involved. It is important for the Declaration to be utilized by the Human Rights Council, including during its Universal Periodic Review.

58. In addition to naming the Permanent Forum, article 42 calls upon all United Nations bodies and specialized agencies to promote and work towards the implementation of the United Nations Declaration. Participants stressed that, given the tremendous task of implementation, the efforts of all such bodies would be necessary. Several agencies highlighted their efforts to implement the Declaration. These include the translation of the Declaration into many languages, promoting awareness of the Declaration among agency staff, promoting it in their technical services and creating practical guides.

59. The Permanent Forum should engage with United Nations agencies in joint implementation efforts and compile practical handbooks or advisory papers for the United Nations system that highlight opportunities for implementing the Declaration. The Permanent Forum could participate with United Nations agencies in joint missions to countries, which could be an important catalyst for closer cooperation. In this regard it was noted that, following a 2008 recommendation regarding the plight of the Guarani people in the Chaco regions of Bolivia and Paraguay, the Permanent Forum had been invited by the Governments of both countries to undertake a mission. The mission was being planned in consultation with a number of agencies, including the Food and Agriculture Organization of the United Nations, IFAD and the International Labour Organization.

60. The work of the Inter-Agency Support Group is essential. In February 2008, the group held a special meeting in Geneva on the promotion of the Declaration and established a road map for the agencies to work in a cooperative fashion (see E/C.19/2008/CRP.7).

61. Some participants praised the work of the Economic Commission for Latin America and the Caribbean in improving statistics and analytical data related to indigenous issues and stated that, unfortunately, the accomplishments of the regional commissions were uneven in that regard. The Permanent Forum could help the regional commissions to incorporate indigenous issues in their programmes of work.

62. It was also suggested that the Permanent Forum look beyond the United Nations to work with regional groups, such as the Organization of American States, the Association of Southeast Asian Nations, the African Union, the European Union and the Commonwealth, towards implementation of the Declaration.

G. Recommendations

63. The meeting notes with appreciation the papers submitted and the many constructive recommendations, suggestions and ideas presented by the participants

on a variety of subjects, as highlighted in the present report, and brings these to the attention of the Permanent Forum for appropriate action.

64. The meeting recommends that the Permanent Forum adopt the following text:

The Permanent Forum on Indigenous Issues,

Noting that the General Assembly adopted the Declaration on the Rights of Indigenous Peoples by resolution 61/295 of 13 September 2007;

Recalling article 42 of the Declaration, which states:

> The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration;

Having decided to include in future sessions an agenda item titled "United Nations Declaration on the Rights of Indigenous Peoples";

Therefore decides:

(a) **To invite participants, including representatives of States, indigenous peoples and United Nations agencies, to submit written reports under this topic;**

(b) **To appoint a task team consisting of eight members to examine reports and communicate with the submitting parties as may be appropriate;**

(c) **To encourage States in particular to support this procedure and to use it as an opportunity to provide the Permanent Forum with substantive information on the implementation of the Declaration and a reliable assessment of the effectiveness of the Declaration at the national and the local levels;**

(d) **To encourage national human rights institutions and indigenous peoples' institutions to promote respect for and full implementation of the Declaration at the national and local levels;**

(e) **To also encourage States to incorporate adequate information on the implementation of the Declaration in the "core report" to the human rights treaty bodies;**

(f) **To recommend that States, in the spirit of a harmonious and cooperative relationship with the indigenous peoples, establish as soon as possible where it does not already exist a national dialogue with indigenous peoples on human rights based on the Declaration.**

65. The meeting recommends that the Permanent Forum adopt the following text:

***Is aware* that significant financial and other resources are required within the United Nations system to implement article 42 of the Declaration on the Rights of Indigenous Peoples. The Secretary-General should provide an adequate budget for the purpose of meeting the requirements of article 42 of the Declaration as it may apply to the Permanent Forum, its Secretariat and relevant actions;**

Reminds **all agencies of the United Nations system to take note of and respond to article 42 of the Declaration on the Rights of Indigenous Peoples and, as a matter of priority, directly integrate relevant provisions of the Declaration into their policies, programmes and strategies. Agencies should respond to the urgent need to promote and increase the capacity of indigenous peoples to exercise and implement their human rights as contained in international human rights instruments, including the Declaration. Furthermore, agencies should undertake initiatives, within a reasonable time frame, to ensure indigenous peoples' effective engagement, dialogue and negotiations regarding the exercise of their human rights. Accordingly the Permanent Forum strongly urges United Nations agencies to review their budgets and ensure that programmes and strategies aptly benefit and are in direct support of indigenous peoples;**

Agrees **that the Trust Fund on Indigenous Issues, including its part under the Second International Decade of the Worlds Indigenous People, should assist indigenous peoples to participate in and conduct activities consistent with the purposes of article 42. Donors are urged to increase their contributions or, in the case of new contributors, to make donations to the Trust Fund commensurate with the importance of implementing articles 39 and 42.**

Annex I

Programme of work

Wednesday, 14 January

10-10.30 a.m.

Item 1 **Opening of meeting**

Opening presentation

Elsa Stamatopoulou

Item 2 **Election of Chairperson and Rapporteur**

Presentation by the Chairperson

10.30 a.m.-1 p.m.

Item 3 **Integration of the Declaration into the ongoing work of the Permanent Forum**

- How can the Permanent Forum integrate the promotion of the Declaration into its ongoing work? For example, how can the Permanent Forum ensure that the Declaration is incorporated into its own recommendations on the six substantive mandated areas of its work, as well as its work under the special theme for each session and its ongoing themes and priorities?
- How might the Permanent Forum best promote respect for and full application of the Declaration, and follow up on its effectiveness through its own research (for example, through its practice of appointing Permanent Forum members as special rapporteurs to conduct selected studies or research)? What types of research would best contribute to the implementation of the Declaration (for example, country-specific studies, implementation guides, compilations of best practices)?
- How can the Permanent Forum develop article-specific commentaries on the Declaration?
- What resources would be required by the Permanent Forum and its secretariat? In this regard, should the Permanent Forum seek to develop relationships with academic institutions that might participate in the development and dissemination of research materials and, in doing so, contribute additional resources to implementation efforts?

Presentations

Bartolomé Clavero

Mick Dodson

Discussion on the item

3 p.m.-4.30 p.m.

Item 4 **Capacity development for indigenous and non-indigenous communities and organizations**

- How can the Permanent Forum promote the dissemination of and capacity-building on the Declaration for indigenous peoples' organizations and both indigenous and non-indigenous communities?
- How can the Permanent Forum best support indigenous peoples' organizations in their efforts to implement the provisions of the Declaration at local, national and regional levels?

Presentations

Monica Aleman

Joan Carling

Dalee Sambo

Discussion on the item

4.30 p.m.-6 p.m.

Item 5 **Promotion of respect for and full application of the Declaration at the State level**

- Given that the Declaration outlines the obligations of States, how can the Permanent Forum best work with States to support their efforts in the implementation of the Declaration at local, national and regional levels?
- How can the Permanent Forum promote cooperative solutions to problems between Governments and indigenous peoples at the country level within the context of the Declaration?
- How can the Permanent Forum encourage States to require private sector actors to also comply with the provisions of the Declaration?
- How can the Permanent Forum promote the dissemination of the Declaration to key State actors, including government agencies and parliamentarians? How might the Permanent Forum best promote dissemination of the Declaration to additional key groups working at the national level, such as judicial officials, lawyers, professors and members of the media?

Presentations

Wilton Littlechild

Margaret Lokawua

Carlos Mamani

Discussion on the item

Thursday, 15 January

10 a.m.-12 p.m.

Item 5 (*continued*) **Promotion of respect for and full application of the Declaration at the State level**

Continued discussion on the item

12 p.m.-1 p.m.

3 p.m.-5 p.m.

Item 6 **Dialogue with States regarding respect for and application of the Declaration and follow-up on its effectiveness**

- During the 2008 session of the Economic and Social Council, Member States provided voluntary reports regarding their efforts at the country level on the Millennium Development Goals. Taking this practice as an example and, given the participation of States in the Permanent Forum sessions and the voluntary submission of information to it by numerous Governments, how can the Permanent Forum encourage States to further share promising national practices with regard to indigenous peoples?
- Could the information provided by Governments to the Permanent Forum on their relevant national policies and practices become the basis for constructive dialogues between Governments and the Permanent Forum? What could be the contribution of the system and indigenous organizations to such dialogues?
- What methodologies should be followed by the Permanent Forum in promoting and facilitating constructive dialogues with States? When would such meetings be held (for example, before, during or between sessions of the Permanent Forum)? How should such dialogues be structured and who should participate? What outcome and follow-up would be expected or sought from such dialogues?
- What resources would be required by the Permanent Forum and its secretariat to pursue such dialogues?

Presentations

Tonya Gonnella Frichner

Les Malezer

Discussion on the item

5 p.m.-6 p.m.

Item 7 **Cooperation within the United Nations**

- In carrying out its responsibilities under article 42, how can the Permanent Forum coordinate its efforts with those of the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people and the Expert Mechanism on the Rights of Indigenous Peoples?
- How can the Permanent Forum promote the integration of the Declaration and the inclusion of indigenous peoples into the planning and work of United Nations country teams?
- How can the Permanent Forum ensure that its members enjoy close and fruitful relationships with United Nations country teams regarding the Declaration?
- How can the Permanent Forum and its secretariat best disseminate the Declaration and promote the application of its provisions within the United Nations system?
- How can the Permanent Forum work together with ILO to create an operational interpretation that reconciles and strengthens both the Declaration and ILO Convention No. 169?
- How can the Permanent Forum best learn from the experiences of other United Nations bodies in their promotion of other human rights instruments, such as the Convention on the Rights of the Child?

Presentations

Dmitry Berezhkov

Discussion on the item

Friday, 16 January

10 a.m.-1 p.m.

Item 7 **Cooperation within the United Nations**
(*continued*)

Continued discussion of the item

3 p.m.-6 p.m.

Item 8 **Adoption of conclusions and recommendations**

Annex II

List of participants[a]

Invited experts from the seven indigenous sociocultural regions[b]

Dalee Sambo (Arctic)

Joan Carling (Asia)

Monica Aleman (Central and South America and the Caribbean)

Dmitry Berezhkov (Eastern Europe, Russian Federation, Central Asia and Transcaucasia)

Wilton Littlechild (North America)

Les Malezer (Pacific)

Members of the Permanent Forum

Victoria Tauli-Corpuz

Bartolomé Clavero

Michael Dodson

Tonya Gonnella Frichner

Margaret Lokawua

Carlos Mamani

Expert Mechanism on the Rights of Indigenous Peoples

John Henriksen (Chairperson)

Secretariat of the United Nations

Department of Economic and Social Affairs/Division for Sustainable Development

Department of Economic and Social Affairs/Secretariat of the United Nations Forum on Forests

Department of Public Information

[a] The Special Rapporteur on the situation on human rights and fundamental freedoms of indigenous people, S. James Anaya, was unable to attend the meeting but submitted a statement (see annex III).

[b] Naomi Kipuri (Africa) was invited to the meeting but was unable to attend.

Organizations of the United Nations system and other intergovernmental organizations

European Commission

Food and Agriculture Organization of the United Nations

International Labour Organization

International Office for Migration

Regional Commissions New York Office

United Nations Children's Fund

United Nations Development Fund for Women

United Nations Educational, Scientific and Cultural Organization

United Nations Environment Programme

United Nations Human Settlements Programme

United Nations Population Fund

World Bank

World Food Programme

Indigenous peoples' organizations and bodies

Aotearoa Indigenous Rights Trust

Comisión Jurídica de los Pueblos de Integración Tawantinsuyana

Comunidad Campesina de Tauria

Foundation for Research and Support of the Indigenous Peoples of Crimea

Resource Centre for the Rights of Indigenous Peoples

Habitat Pro Association

International Indian Treaty Council

Internationale Touareg

Mohawk Nation at Kahnawake

Montagnard Foundation

Navajo Nation Council

Onondaga Nation

Organización Indígena Andes Chinchaysuyo del Ecuador

Organización Regional de la Mujer Indígena

Russian Association of Indigenous Peoples of the North

Red de Mujeres Indígenas sobre Biodiversidad

Yamassee Native American She-Clan

Southern Mongolian Human Rights Information Center

Tamu Chhojdhi

United Confederation of Taino People

Non-Governmental Organizations

International Work Group for Indigenous Affairs

Tribal Link

States

Australia, Bolivia, Botswana, Chile, China, Colombia, Ecuador, Finland, Holy See, Indonesia, Japan, Mexico, Nepal, New Zealand, Portugal, Russian Federation, Seychelles, Singapore, Sweden, Venezuela, Viet Nam

Annex III

List of documents*

PFII/2009/EGM1/1

Draft agenda

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PFII/2009/EGM1/3

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Task of the Permanent Forum on Indigenous Issues in light of the binding nature of and with a view to furthering the effectiveness of international human rights law (Bartolomé Clavero)

PFII/2009/EGM1/5

Comments on article 42 as legal basis for a Declaration "treaty body" (Carsten Smith)

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Presentation on capacity development for indigenous and non-indigenous communities and organizations (Dalee Sambo Dorough)

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Capacity-building support for indigenous peoples: towards the realization of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples (Joan Carling)

PFII/2009/EGM1/8

Presentation of the International Organization of Indigenous Resource Development (Wilton Littlechild)

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Contribution of the United Nations Environment Programme

PFII/2009/EGM1/10

Dialogue with States regarding respect for and application of the United Nations Declaration and follow-up on its effectiveness (Les Malezer)

* The documents can be consulted at www.un.org/esa/socdev/unpfiler/EGM_A42.html.

PFII/2009/EGM1/11

Opening remarks of Vicky Tauli-Corpuz, Chairperson, United Nations Permanent Forum on Indigenous Issues

PFII/2009/EGM1/12

Presentation on promotion of respect for and full application of the Declaration at the State level (Margaret Lokawua)

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Implementación del artículo 42 de la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas (Carlos Mamani Condori)

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Statement of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (S. James Anaya)

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Contribution of FAO to the international expert group meeting (FAO)

PFII/2009/EGM1/16

The United Nations Declaration on the Rights of Indigenous Peoples, treaties and the right to free, prior and informed consent: the framework for a new mechanism for reparations, restitution and redress (International Indian Treaty Council)

PFII/2009/EGM1/17

Informe: Caso de Bolivia en el marco del artículo 42 de la Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas (Bolivia)

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Reporte y recomendaciones del seminario electrónico indígena latinoamericano (Centro de Políticas Públicas y Derechos Indígenas)